

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR18-174 RAJ
)	
Plaintiff,)	
)	
v.)	ORDER CONTINUING TRIAL DATE
)	AND PRETRIAL MOTIONS DEADLINE
VICTOR ANTONIO ALVAREZ HARO,)	
BULMARO MAGANA MARTINEZ, and)	
JESUS PALOMARES-MENDEZ,)	
)	
Defendants.)	

This matter comes before the Court on Defendant Victor Antonio Alvarez Haro's Stipulation to Motion to Continue Trial (Dkt. #160), Defendant Jesus Palomares Mendez's and the government's Stipulated Motion to Continue Trial (Dkt. #188), and Defendant Bulmaro Magana Martinez's Notice of Joinder in Stipulated Motion to Continue Trial (Dkt. #190), to continue the trial in this matter, and to set a new pretrial motion cutoff consistent with that new trial date. Having considered the motions, Defendants' waivers of speedy trial, and the files and records herein, the Court finds and rules as follows:

The facts supporting continuing the trial and excluding the consequent delay are set forth in the pleadings referenced above, incorporated by this reference, and include the following: (a) the large number of defendants charged; (b) the nature of the prosecution, which includes wiretaps over multiple phone lines and investigations in numerous districts; and (c) the volume of discovery produced, and still to be produced.

THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(i) and (ii) that this case is sufficiently unusual and complex, due to the combination of the number of defendants, the nature of the prosecution, as well as the

1 existence of novel questions of fact, that it is unreasonable to expect adequate preparation by
2 the parties for pretrial proceedings or for the trial itself by the current trial date, or for the
3 immediate future.

4 THE COURT THEREFORE FINDS that failure to grant the continuance in this case
5 would likely make the continuation of this matter impossible and result in a miscarriage of
6 justice, because failing to continue this matter for a considerable period of time would deny
7 counsel for the parties the reasonable time necessary for effective preparation, due to defense
8 counsels' need for more time to review the considerable volume of discovery and evidence
9 produced, and still to be produced, and to consider possible defenses and motions, taking into
10 account the exercise of due diligence.

11 THE COURT FINDS, in light of these factors, that it is unlikely that the parties can be
12 reasonably ready to try this matter before March 4, 2019, at the earliest.

13 THIS COURT FINDS, pursuant to Title 18, United States Code, Section 3161(h)(6)
14 and (7), that this is a reasonable period of delay in that the Defendants have indicated they
15 require more time to prepare for trial. The Court finds that given the complexity of the case,
16 the number of defendants, and the volume of discovery produced, and still to be produced, that
17 more time is, in fact, necessary.

18 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
19 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a continuance,
20 and that they outweigh the interests of the public and the Defendants in a speedy trial.

21 THIS COURT FURTHER FINDS that all of the additional time requested between the
22 date of this order and the new trial date of March 4, 2019, is necessary to provide counsel for
23 the Defendants the reasonable time necessary to prepare for trial.

24 NOW, THEREFORE, IT IS ORDERED that the trial date is continued as to Defendants
25 Victor Antonio Alvarez Haro, Bulmaro Magana Martinez, and Jesus Palomares Mendez until
26 March 4, 2019 at 9:00 a.m.

IT IS FURTHER ORDERED that all pretrial motions, including motions in limine,
shall be filed no later than January 17, 2019.

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1 IT IS FURTHER ORDERED that the time between the date of this order and the new
2 trial date of March 4, 2019, is excluded in computing the time within which a trial must be held
3 pursuant to Title 18, United States Code, Section 3161, et seq.

4 DATED this 9th day of November, 2018.

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7 The Honorable Richard A. Jones
8 United States District Judge
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